

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 411

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Michael S. Sanchez

AN ACT

RELATING TO PUBLIC ASSISTANCE; PROVIDING A STATUTE OF
LIMITATIONS ON THIRD PARTY LIABILITY CLAIMS; AMENDING A SECTION
OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 27-2-23 NMSA 1978 (being Laws 1969,
Chapter 232, Section 1) is amended to read:

"27-2-23. THIRD PARTY LIABILITY.--

A. The ~~[health and social services]~~ income support
division of the department shall make reasonable efforts to
ascertain any legal liability of third parties who are or may
be liable to pay all or part of the medical cost of injury,
disease or disability of an applicant for or recipient of
medical assistance pursuant to the provisions of Chapter 27
NMSA 1978.

.164883.1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 B. When the [~~department~~] income support division
2 makes medical assistance payments [~~in~~] on behalf of a
3 recipient, the [~~department~~] division is subrogated to any right
4 of the recipient against a third party for recovery of medical
5 expenses to the extent that the [~~department~~] division has made
6 payment.

7 C. Health insurers, including self-insured plans,
8 group health plans, service benefit plans, managed care
9 organizations, pharmacy benefit managers or other parties, that
10 are, by statute, contract or agreement, legally responsible for
11 payment of a claim for a health care item or service, as a
12 condition of doing business with New Mexico, shall:

13 (1) provide, with respect to individuals who
14 are eligible for or are provided medical assistance under the
15 medicaid program, upon the request of the state, information to
16 determine during what period the individual, the individual's
17 spouse or the individual's dependents may be, or may have been,
18 covered by a health insurer and the nature of the coverage
19 provided by the health insurer, including the name, address and
20 identifying number of the plan;

21 (2) accept New Mexico's right of recovery and
22 the assignment to New Mexico of any right of an individual or
23 other entity to payment from the party for an item or service
24 for which payment has been made under the medicaid program;

25 (3) respond to any inquiry by New Mexico

.164883.1

underscoring material = new
[bracketed material] = delete

1 regarding a claim for payment for any health care item or
2 service that is submitted for any health care item or service
3 that is submitted no later than three years after the date of
4 the provision of such health care item or service; and

5 (4) agree not to deny a claim submitted by New
6 Mexico solely on the basis of the date of submission of the
7 claim, the type of the claim form or a failure to present
8 proper documentation at the point-of-sale that is the basis of
9 the claim, if:

10 (a) the claim is submitted by New Mexico
11 within the three-year period beginning on the date on which the
12 item or service was furnished; and

13 (b) any action by New Mexico to enforce
14 its rights with respect to such claim is commenced within six
15 years of New Mexico's submission of such claim."